

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NICOLE T. TAYLOR,

Plaintiff,

-against-

3:05-CV-1444  
(LEK/DEP)

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,<sup>1</sup>

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on June 10, 2008 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 8). After ten days from the service thereof, the Clerk sent the entire file to the undersigned, including the objections by Nicole T. Taylor, which were filed on June 24, 2008. Objection (Dkt. No. 9).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

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<sup>1</sup> Commissioner Michael J. Astrue has been substituted as the named Defendant pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure.

Accordingly, it is hereby

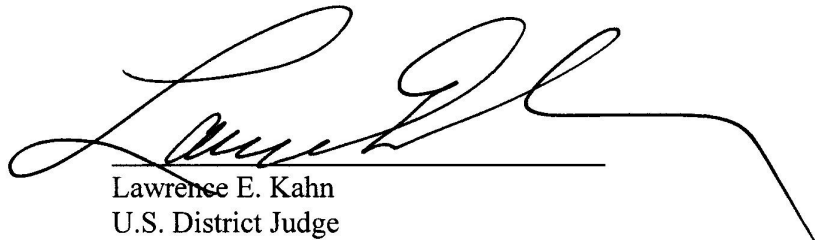
**ORDERED**, that the Report-Recommendation (Dkt. No. 8) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that the defendant's motion for judgment on the pleadings be **GRANTED** and the Commissioner's determination of no disability **AFFIRMED**, and plaintiff's complaint (Dkt. No. 1) is **DISMISSED** in all respects.

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: August 18, 2008  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge